



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 26 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tomas P. Jacobus
General Manager
Washington Aqueduct
U.S. Army Corps of Engineers, Baltimore District
5900 MacArthur Blvd., NW
Washington, DC 20016

Re: Request for Information pursuant to Section 308 of the Clean Water Act

Dear Mr. Jacobus:

The enclosed Information Request is issued this date pursuant to Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318, and requires, among other things, that the Washington Aqueduct provide information regarding the National Pollutant Discharge Elimination System ("NPDES") discharges associated with the NPDES Permit No. DC0000094. The requirement to provide information to the U.S. Environmental Protection Agency is mandatory. You must respond in accordance with the instructions and milestones set forth in the Request for Information.

If you have any questions about this Information Request, you may contact Valerie López-Carrasquillo at (215) 814-5752.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGuigan".

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

Enclosure

Cc: Collin R. Burrell, DOEE Inspection and Enforcement Division
Joshua Rodriguez, DOEE Inspection and Enforcement Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of:

Washington Aqueduct
5900 MacArthur Blvd., NW
Washington, DC 20016

Respondent

Pursuant to Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

REQUEST FOR INFORMATION

I. STATUTORY AUTHORITY

1. This Information Request is issued under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA"), 33 United States Code ("U.S.C.") § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated it to Director of the Water Protection Division of EPA, Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires the Washington Aqueduct to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318 to require owners and operators of point sources to establish records and make such records as may be necessary to carry out the purpose of the Act, including, but not limited to:
 - a. Developing or assisting in the development of any effluent limitation or other limitation or prohibition, effluent standard, pretreatment standard or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitations, or other limitations, prohibition, effluent standard, pretreatment standard, or standard of performance under the Clean Water Act;
 - c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404 and 504 of the CWA.
3. Any failure to respond as directed is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and

criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 CFR Section 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondents, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number(s) of the question(s) to which it corresponds.
9. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.
10. If a question asks for a date or figure (e.g., date of service, dollar amount, volumetric capacity, etc.), you should provide a good faith estimate if you cannot provide the exact figure.
11. All submissions provided pursuant to this requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

12. Submit a copy of your response to:

Valerie López-Carrasquillo
Office of NPDES Permits and Enforcement (3WP41)
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Francisco Cruz at (215) 814-5734 or Valerie López-Carrasquillo at (215) 814-5752.

IV. DEFINITIONS

For the purposes of this Information Requirement, the terms used herein are defined as follows:

14. The terms "Document," "Documents," and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
15. The term "application" refers to the NPDES Permit No. DC0000019 renewal application submitted to EPA, Region 3 by the Washington Aqueduct on May 20, 2013.
16. The term "permit" refers to the NPDES Permit No. DC0000019 issued to the Washington Aqueduct, on November 20, 2008.

V. INFORMATION REQUIREMENT

Operation and Maintenance

Upon thirty days of receipt of this Information Requirement, and pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, please provide the following information, and reports.

17. The 2009 NDPES Permit (DC0000019), Part B., Operation and Maintenance of Pollution Controls states:

"The permittee shall at all times properly operate, inspect and maintain all facilities and systems of treatment and control (and related appurtenances including sewers, intercepting chambers, interceptors, combined sewer overflows, and emergency bypasses) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities of similar systems only when necessary to achieve compliance with the conditions of the permit."

While the sediment removal and conveyance system has been greatly improved since the 2015 inspection, the 2016 inspection reflected design flaws. The March 2017 facility walk through with EPA Region 3 and Department of Energy & Environment ("DOEE") staff, in the interest of the permit renewal process, shows that the facility does not meet the compliance goals set out in the permit.

- a. Describe the current functionality of the suction arms to the barge in Sediment Basin #2 that do not reach the surface of the basins or the contours of the basin floor.
- b. If the suction arms, managed by the Supervisory Control and Data Acquisition ("SCADA") system in the Residuals Processing Facility ("RPF") are not currently functioning as designed, please provide a Corrective Action Plan that will return the Georgetown Residuals Basins to full operating capacity. The Corrective Plan shall include:
 - i. A full description of the deficiency.
 - ii. The date the deficiency was discovered.
 - iii. An overview that details the steps necessary to attain compliance.
 - iv. A timeline by which correction of the deficiency(s) in the barge and suction arms will be completed.
- c. Provide the capacity of the Georgetown Sedimentation Basins.
- d. Provide an estimation of the volume and weight of residuals in the Georgetown Sedimentation Basins for the previous 12 months.
- e. Describe the Washington Aqueduct's management practices for the dredging activities occurring at the Georgetown Basins since January 2015.

18. Provide a copy of the Washington Aqueduct's Best Management Practices ("BMP") Plan, as referenced at Section E of your 2009 Permit.

Permit Renewal Application

19. EPA has conducted a preliminary review of the Washington Aqueduct's NPDES permit renewal application dated May 20, 2013. Areas where required information is requested was not provided in the application. This information is essential to EPA's ability to complete a full review of the NPDES permit renewal application and to commence development of a draft NPDES permit. Below, please find the information that EPA is requesting to ensure that it has a completed NPDES permit renewal application as required in 40 CFR § 122.21 (a), so that we may initiate the permit reissuance process.
- a. The Washington Aqueduct provided the results from the samples analyzed in Form 2C, Section V, Intake and Effluent Characteristics. However, the raw data from the laboratory, which include what test method was performed for each pollutant, was not included with the application. Please send to the EPA the analytical data from the laboratory for all the outfalls. 40 CFR § 122.21(e)(3) requires that a permit application shall not be considered complete unless all required quantitative data are collected in accordance with sufficiently sensitive analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapter N or O.
 - b. As specified in 40 CFR § 122.21, the effluent monitoring data provided in the application must include: (a) maximum daily discharge, expressed as concentration or mass, based upon actual sample values; (b) Average daily discharge for all samples, expressed as concentration or mass, and the number of samples used to obtain this value; (c) The analytical method used; and (d) The threshold level (i.e., method detection limit, minimum level, or other designated method endpoints) for the analytical method used. Please provide the information for all the outfalls.
 - c. The application listed some pollutants as "believed present." The Washington Aqueduct needs to provide the information as set forth in the 40 CFR § 122.21(g)(7). For those pollutants set forth in Table 1, please provide the effluent characterization.

Table 1. "Believe Present" Parameters

Parameters	Outfalls			
	Outfall 002, 003, 004	Outfall 006	Outfall 007	Outfall 008, 009
Color	X	X	X	
Fecal Coliforms	X	X	X	
Total Organic Nitrogen	X	X	X	
Total Phosphorus	X	X	X	

- d. In your application it was observed that two groups of outfalls were conjoined and included quantitative data for each of these two groups. As specified in 40 CFR § 122.21(g)(7), when an applicant has two or more outfalls with substantially identical

effluents, the Director may allow the applicant to test only one outfall and report that quantitative data as applying to the substantially identical outfalls. Please provide a justification for representative sampling and analysis across Outfalls 2, 3, 4 and Outfalls 8 and 9.

- e. The application shows some outfalls with the same testing results. These testing results are based on long term average value concentrations. Please, provide EPA with the justification for these testing results. Table 2 below provides the outfalls that have the same testing results.

Table 2. Long Term Average Values

Parameters	Outfalls			
	Outfall 002, 003, 004	Outfall 006	Outfall 007	Outfall 008, 009
Fluoride	0.9 mg/l	0.9 mg/l	0.9 mg/l	0.8 mg/l
Nitrate-Nitrate	1.5 mg/l	1.5 mg/l	1.5 mg/l	1.5 mg/l
Sulfate	53 mg/l	53 mg/l	53 mg/l	52.6 mg/l
Total Aluminum	6 mg/l	6 mg/l	52.2 µg/l	0.7 µg/l
Total Barium	39 µg/l	39 µg/l	39 µg/l	36 µg/l
Total Cobalt	0.07 µg/l	0.07 µg/l	0.07 µg/l	Absent
Total Iron	254 µg/l	254 µg/l	254 µg/l	3.6 µg/l
Total Magnesium	8.5 µg/l	8.6 µg/l	8.5 µg/l	8.6 µg/l
Total Molybdenum	0.7 µg/l	0.7 µg/l	0.7 µg/l	0.7 µg/l
Total Manganese	53.3 µg/l	53.3 µg/l	53.3 µg/l	1.1 µg/l
Total Arsenic	0.4 µg/l	0.4 µg/l	0.4 µg/l	0.1 µg/l
Total Chromium	1.6 µg/l	1.6 µg/l	1.6 µg/l	1.6 µg/l
Total Copper	3.7 µg/l	3.7 µg/l	3.7 µg/l	3.7 µg/l
Total Lead	0.3 µg/l	0.3 µg/l	0.3 µg/l	0.1 µg/l
Total Nickel	2.3 µg/l	2.3 µg/l	2.3 µg/l	2.3 µg/l
Total Selenium	0.5 µg/l	0.5 µg/l	0.5 µg/l	0.5 µg/l
Total Zinc	4.2 µg/l	4.2 µg/l	4.2 µg/l	1.2 µg/l

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: _____

David B. McGuigan, Ph.D.
Associate Director
Office of Compliance and Enforcement
Water Protection Division